

Public Law 112-183
112th Congress

An Act

Oct. 5, 2012

[H.R. 2706]

Billfish
Conservation
Act of 2012.
16 USC 1801
note.

16 USC 1827a
note.

Hawaii.

To prohibit the sale of billfish.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Billfish Conservation Act of 2012”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States carefully regulates its domestic fisheries for billfish and participates in international fishery management bodies in the Atlantic and Pacific.

(2) Global billfish populations have declined significantly, however, because of overfishing primarily through retention of bycatch by non-United States commercial fishing fleets.

(3) Ending the importation of foreign-caught billfish for sale in the United States aligns with U.S. management measures of billfish and protects the significant economic benefits to the U.S. economy of recreational fishing and marine commerce and the traditional cultural fisheries.

SEC. 3. STATEMENT OF CONSTITUTIONAL AUTHORITY.

The Congress enacts this Act pursuant to clause 3 of section 8 of article I of the Constitution.

16 USC 1827a.

SEC. 4. PROHIBITION ON SALE OF BILLFISH.

(a) PROHIBITION.—No person shall offer for sale, sell, or have custody, control, or possession of for purposes of offering for sale or selling billfish or products containing billfish.

(b) PENALTY.—For purposes of section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)), a violation of this section shall be treated as an act prohibited by section 307 of that Act (16 U.S.C. 1857).

(c) EXEMPTIONS FOR TRADITIONAL FISHERIES AND MARKETS.—

(1) Subsection (a) does not apply to billfish caught by US fishing vessels and landed in the State of Hawaii or Pacific Insular Areas as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(35)).

(2) Subsection (a) does not apply to billfish landed by foreign fishing vessels in the Pacific Insular Areas when the foreign caught billfish is exported to non-US markets or

retained within Hawaii and the Pacific Insular Areas for local consumption.

(d) BILLFISH DEFINED.—In this section the term “billfish”—

- (1) means any fish of the species—
 - (A) *Makaira nigricans* (blue marlin);
 - (B) *Kajikia audax* (striped marlin);
 - (C) *Istiompax indica* (black marlin);
 - (D) *Istiophorus platypterus* (sailfish);
 - (E) *Tetrapturus angustirostris* (shortbill spearfish);
 - (F) *Kajikia albida* (white marlin);
 - (G) *Tetrapturus georgii* (roundscale spearfish);
 - (H) *Tetrapturus belone* (Mediterranean spearfish); and
 - (I) *Tetrapturus pfluegeri* (longbill spearfish); and
- (2) does not include the species *Xiphias gladius* (swordfish).

Approved October 5, 2012.

LEGISLATIVE HISTORY—H.R. 2706:

HOUSE REPORTS: No. 112–656 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 158 (2012):

Sept. 10, considered and passed House.

Sept. 21, considered and passed Senate.

